

Serial No. 09/904,741

PATENT
Docket No. 58351-010200REMARKS

In this response, claim 5 has been canceled, and new claim 57 has been added. Thus, claims 1-4, and 6-57 are now pending. The Office Action issued by the Examiner has been carefully considered. New claim 57, which depends from claim 1, is readable upon the system for the species identified as Figure 3.

Claims 1-2, 4, 41 and 54-56 have been rejected under 35 U.S.C. 102(b) as being anticipated by Dugan (US Patent No. 5,857,174).

Applicant's independent claim 1 has been amended to recite that the user is provided a "comparison [that] comprises, for each of said at least two of said plurality of real estate properties, said physical rating, said location rating, said actual monetary value, and said market standard monetary value". The bringing together for the delivery (e.g., display or presentation on a computer screen) to a user of a physical rating, location rating, and market standard monetary value in a single view permits the convenient comparison of two or more real estate properties (see, e.g., Applicant's FIG. 10) in a manner as recited in claim 1 that is novel compared to the prior art.

Claim 1 further recites the "use [of] at least one of said standard monetary values for each of said plurality of monetary value-effecting characteristics to obtain a market standard monetary value". These value-effecting characteristics are each assigned a standard value for use in computing the market standard monetary value. It should be noted that these characteristics are distinct from the calculations of the physical or location rating (although the use of some or all of the monetary value-effecting characteristics in calculating, for example, the physical rating is not precluded by claim 1).

Dugan describes an Appraisal Report (FIG. 6m) that includes location and a limited number of other factors. However, Dugan's method is only directed to providing an appraised value for a subject property. The method does not use standard monetary values to adjust the actual monetary value as recited in Applicant's claim 1. Instead, Dugan simply uses a ratio of

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the IPS value for the subject property to that of the selected comparable properties (column 12, lines 61-67). Dugan even states here that as "different subject properties come to the market, the appraisal IPS values 142 will also change."

In contrast to Dugan, Applicant's claim 1 recites a standard monetary value for the value-effecting characteristics. A "standard monetary value" requires that some numerical value corresponding to a monetary amount be stored for the value-effecting characteristics. These standard values are used to adjust an actual value. As a "standard" value, the adjustment will not change as other properties are added to the database.

Note that in FIG. 6m, Dugan illustrates a report that provides an appraised value 158, actual sale price data, and adjusted sale price data 156. The adjusted sale price is determined only by a ratio of the IPS grades for two comparable properties (see column 8, lines 50-55, and column 11, lines 13-24). Dugan does not illustrate any list of characteristics itself used to adjust an actual sale price and further does not provide or store in a database any standard monetary value corresponding to any such list of characteristics.

Applicant's claim 1 also recites that the "request comprises the selection of a physical rating parameter and/or a location rating parameter" and that "said physical rating parameter and/or said location rating parameter are used to select the at least two of said plurality of real estate properties provided in said comparison". Dugan, in contrast, teaches that the appraisal method is started by selecting the subject property and several comparable properties (column 8, lines 1-4). No other input parameters are described by Dugan.

In particular, Dugan does not teach or even suggest that a physical factor be used as an input parameter for selecting the real estate properties to be displayed in a report to a user. Instead, Dugan presents only a short list of real estate factors for accepting a user input rating, which is then used solely to provide an appraised value for a specific property. Because Dugan is only focused on providing this single value, there is no need or suggestion that selected properties corresponding to a physical rating range (e.g., A+ to A-) be provided in a comparison report.

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Indeed, since Dugan selects comparable properties to start the appraisal method, and these properties are all used to provide an appraised value, limiting the list of comparable properties initially selected based on any physical rating parameter would destroy the functionality of Dugan's appraisal method. Accordingly, there can be no suggestion to select certain properties for output based on a physical rating (or on a location rating).

Applicant's independent claim 41 as amended recites that "said processor is configured to obtain said physical rating by dividing said plurality of physical factors into a plurality of sets each having a number of factors, said number comprising at least two, wherein said weight indicators of each of said plurality of factors in said each of said plurality of sets are equal". In contrast, Dugan describes the use of a small number of categories (e.g., improved category 118, etc.) that are each rated by an appraiser for a selected short list of comparable properties. Dugan also provides a facilities category 116. However, for the sake of argument, even if the facilities and improved categories were considered to be individual physical factors, Dugan clearly does not describe the dividing into sets of physical factors, with each set having two or more members. Dugan has no need to teach or suggest any such dividing into sets of physical factors because Dugan does not have the overall objective of calculating a physical rating.

Further, as was discussed above, Dugan's only end result is the appraised value. Dugan does not separately calculate and report a physical rating to the user. Dugan only accepts user input ratings to calculate an overall IPS grade. As Dugan teaches, this IPS grade includes information like location category 112.

Applicant's claim 41 also recites that "said weight indicators of each of said plurality of factors in said each of said plurality of sets are equal". Because Dugan does not even teach dividing into sets of physical factors, Dugan cannot be considered to suggest that weight indicators for these factors are chosen to be equal.

Applicant's amended independent claim 54 now recites that the user "input a request for a physical and/or location rating for one of said plurality of real estate properties". Dugan, as

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discussed above, is focused solely on requesting comparable properties to use in providing an appraised value. Accordingly, Dugan does not suggest the input of a physical or location rating.

Claim 54 also recites the dividing into sets of physical factors and the dividing into sets of location factors. This permits the physical and/or location rating to be delivered to the user. For the reasons discussed above, Dugan does not suggest dividing into sets of physical factors. Clearly, for similar reasons, Dugan also does not suggest dividing into sets of location factors.

Claims 6, 9-11 and 51-53 have been rejected under 35 U.S.C. 102(b) as being anticipated by Apgar (US Patent No. 5,680,305).

Applicant's amended independent claim 6 recites "dividing said plurality of physical factors into a plurality of sets each having a number of physical factors, said number comprising at least two, wherein said weight indicators of each of said plurality of physical factors in said each of said plurality of sets are equal". The Examiner has cited Apgar's Fig. 21 and column 7, lines 15-19, with respect to a similar limitation previously recited in Applicant's dependent claim 7. However, this cited text section merely describes that the "Amount" indicator is related to square-footage and sales per square foot, and the illustration of Fig. 21 only shows the "Amount" and other indicators that are multiplied by weighting factors to provide a total indicator score 542.

Even if, for the sake of argument, "Amount", "Grade", and "Area" were considered to be physical factors, Apgar does not teach or suggest any grouping of these factors into sets, where each set has two or more members, and moreover, where the weight indicators for each factor in a set are equal. Applicant respectfully submits that the Examiner is stretching the reading of Apgar too far. When Apgar mentions weight indicators, they are not ever described as being equal for a given set of physical factors (see, e.g., column 21, lines 56-63). In contrast, see as an example paragraph [0049] of Applicant's published application in which two sets of multiple members are illustrated, with each factor of a set having the same weight indicator. Also, note that Applicant's application at paragraph [0046] describes that the "sets of physical factors may then be attributed a weight indicator depending on relative importance and desirability".

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Applicant's independent claim 51 as amended recites "dividing said plurality of factors into a plurality of sets each having a number of factors, said number comprising at least two, wherein said weight indicators of each of said plurality of physical factors in said each of said plurality of sets are equal". Claim 51 is believed allowable for similar reasons as discussed above for Applicant's claim 6.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Three (*Three More Companies Become WebLink Wireless Enterprise Solutions Partners: Datamatic, LynkUs and VoiceLink Join 19 Other Companies in Wireless Data Effort*. Pr Newswire, New York: May 4, 2000. pg. 1).

Claim 3 depends from Applicant's independent claim 1 and is believed allowable for at least the reasons discussed above for claim 1.

Claims 7 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar.

Claims 7 and 12 depend, directly or indirectly, from Applicant's independent claim 6 and are believed allowable for at least the reasons discussed above for claim 6.

Claims 8 and 13-17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar in view of Dugan.

Claim 8 depends from Applicant's independent claim 6 and is believed allowable for at least the reasons discussed above for claim 6.

Applicant's independent claim 13 recites that "said plurality of physical factors [are] divided into sets of physical factors, each of said sets of physical factors having a number of physical factors, said number comprising at least two". Claim 13 is believed allowable over Apgar and Dugan for similar reasons as discussed above for claim 6 as regards Apgar and for claim 41 as regards Dugan.

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Claims 42-44 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan as applied to claim 41 above, further in view of Apgar.

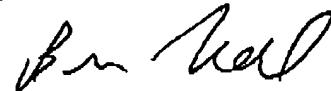
Claims 42-44 depend, directly or indirectly, from Applicant's independent claim 41 and are believed allowable for at least the reasons discussed above for claim 41. Apgar neither teaches nor suggests the elements of claim 41 discussed above that are missing from Dugan.

Claim 45 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan.

Claim 45 depends from Applicant's independent claim 41 and is believed allowable for at least the reasons discussed above for claim 41.

In view of the above, Applicant respectfully requests the reconsideration of this application and the allowance of all pending claims. It is respectfully submitted that the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Applicant believes that any of the Examiner's other arguments not explicitly discussed above are moot in light of the above arguments, but Applicant reserves the right to later address these arguments. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,



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